

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Joo-Ho KIM et al.

Serial No. 10/509,367

Group Art Unit: 2655

Confirmation No. 4007

Filed: May 17, 2005

Examiner: Tan X. Dinh

For: RECORDING METHOD USING REACTION AND DIFFUSION, RECORDING MEDIUM
RECORDED ON USING THE RECORDING METHOD, AND
RECORDING/REPRODUCING APPARATUS FOR THE RECORDING MEDIUM

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed May 21, 2008, having a shortened period for response set to expire on June 21, 2008, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I, claims 1-8, 23-30 and 45-52 drawn to a method of recording information on a phase-change recording medium, the recording medium and an apparatus for recording and/or reproducing information on the recording medium in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 9-22, 31-44 and 53-72 are so closely related to elected claims 1-8, 23-30 and 45-52 that they should remain in the same application. The elected claims 1-8, 23-30 and 45-52 are directed to a method of recording information on a phase-change recording medium, the recording medium and an apparatus for recording and/or reproducing information on the recording medium and claims 9-22, 31-44 and 53-72 are drawn to a method of recording information on a magneto-optical recording medium, the recording medium and an apparatus for recording and/or reproducing information on the recording medium. There have been no references cited to show any necessity for requiring

restriction and, in fact, it is believed that the Examiner would find references containing the method, medium and apparatus claims in the same field of technology. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

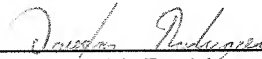
If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 503333.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 6/20/08

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